

By Ms. CANTWELL (for herself and Ms. STABENOW):

S. 1257. A bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SHELBY (for himself, Mr. SESSIONS, Mr. ISAKSON, and Mr. CHAMBLISS):

S. Res. 183. A resolution celebrating the life and achievements of Millard Fuller, the founder of Habitat for Humanity; considered and agreed to.

By Mr. CARDIN (for himself, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. REID, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 184. A resolution offering deepest condolences to the family and friends of Officer Stephen T. Johns and calling on the leaders of all Nations to speak out against the manifestations of anti-Semitism, bigotry, and hatred; considered and agreed to.

By Mr. HARKIN (for himself, Mr. BROWNBACK, Mr. LEVIN, Mr. DURBIN, Mr. KENNEDY, Mr. LAUTENBERG, Ms. STABENOW, Mr. BOND, and Mr. COCHRAN):

S. Con. Res. 26. A concurrent resolution apologizing for the enslavement and racial segregation of African Americans; ordered held at the desk.

#### ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr.

HARKIN) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 388

At the request of Ms. MIKULSKI, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from Florida (Mr. NELSON), the Senator from Kentucky (Mr. BUNNING), the Senator from Vermont (Mr. SANDERS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 604

At the request of Mr. SANDERS, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 636

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr.

ISAKSON) was added as a cosponsor of S. 636, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 718

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 822

At the request of Mr. SANDERS, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. LEAHY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 822, a bill to support the recruitment and retention of volunteer firefighters and emergency medical services personnel, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. COCHRAN) and the Senator

from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1026

At the request of Mr. CORNYN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1050

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1050, a bill to amend title XXVII of the Public Health Service Act to establish Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage in the group and individual health insurance markets, to improve transparency and accountability in those markets, and to establish a Federal Office of Health Insurance Oversight to monitor performance in those markets, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1106

At the request of Mrs. LINCOLN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1106, a bill to amend title 10, United States Code, to require the provision of medical and dental readiness services to certain members of the Selected Reserve and Individual Ready Reserve based on medical need, and for other purposes.

S. 1131

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1184

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1184, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 1198

At the request of Mr. ALEXANDER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1198, a bill to limit disbursement of additional funds under the Troubled Asset Relief Program to certain automobile manufacturers, to impose fiduciary duties on the Secretary of the Treasury with respect to shareholders of such automobile manufacturers, to require the issuance of shares of common stock to eligible taxpayers which represent the common stock holdings of the United States Government in such automobile manufacturers, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1223

At the request of Mr. JOHANNES, the names of the Senator from North Carolina (Mr. BURR), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1223, a bill to require prior Congressional approval of emergency funding resulting in Government ownership of private entities.

S. 1225

At the request of Mr. SANDERS, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1225, a bill to require the Commodity Futures Trading Commission to take certain actions to prevent the manipulation of energy markets, and for other purposes.

S. 1232

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1232, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Colorado (Mr. UDALL), the Senator from Montana (Mr. BAUCUS), the Senator from Nevada (Mr. ENSIGN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Arkansas (Mr. PRYOR), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. JOHNSON), the Senator from Kentucky (Mr. BUNNING), the Senator from Wisconsin (Mr. KOHL) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 14

At the request of Mr. BARRASSO, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 24

At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Michigan (Mr. LEVIN), the Senator from Florida (Mr. NELSON), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Con. Res. 24, a concurrent resolution to direct the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the

importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 159

At the request of Mr. BURRIS, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Michigan (Mr. LEVIN), the Senator from Kansas (Mr. BROWNBACK) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 159, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

S. RES. 170

At the request of Mr. CASEY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Res. 170, a resolution expressing the sense of the Senate that children should benefit, and in no case be worse off, as a result of reform of the Nation's health care system.

S. RES. 179

At the request of Mr. KAUFMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 179, a resolution congratulating the American Society of Mechanical Engineers on its 125 years of codes and standards development.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1236. A bill to amend title XVIII of the Social Security Act to transition to the use of metropolitan statistical areas as fee schedule areas for the physician fee schedule in California under the Medicare program; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to correct a longstanding flaw in the Medicare Geographic Practice Cost Index, GPCI, system that negatively impacts physicians in California and several other states.

This legislation will base California physician payments on Metropolitan Statistical Areas, MSAs. Hospital payments are developed this way, and it makes sense to pay our doctors in the same manner.

It holds harmless the counties, predominantly rural ones, whose locality average would otherwise drop as other counties are reclassified.

Congressman SAM FARR, along with several California colleagues, is introducing companion legislation.

The Medicare Geographic Practice Cost Index measures the cost of providing a Medicare covered service in a geographic area. Medicare payments are supposed to reflect the varying

costs of rent, malpractice insurance, and other expenses necessary to operate a medical process. Counties are assigned to "payment localities" that are supposed to accurately capture these costs.

Here is the problem. Some of these payment localities have not changed since 1997. Others have been in place since 1966. Many areas that were rural even 10 years ago have experienced significant population growth, as metropolitan areas and suburbs have spread. Many counties now find themselves in payment localities that do not accurately reflect their true practice costs.

These payment discrepancies have a real and serious impact on physicians and the Medicare beneficiaries they are unable to serve. My home State of California has been hit particularly hard.

San Diego County physicians are underpaid by 4 percent. A number of physicians have left the county and 60 percent of remaining San Diego physicians report that they cannot recruit new doctors to their practices.

Santa Cruz County receives an 8.6 percent underpayment, and as a result, no physicians are accepting new Medicare patients. Instead, they are moving to neighboring Santa Clara, which has similar practice cost expense, but is reimbursed at a much higher rate. This means that seniors often need to travel at least 20 miles to see a physician.

Sacramento County, a major metropolitan area, is underpaid by 2.7 percent. The county's population has grown by 9.6 percent, while the number of physicians has declined by 11 percent.

Sonoma County physicians are paid at least 6.2 percent less than their geographic practice costs. They have experienced at 10 percent decline in specialists and a 9 percent decline in primary care physicians.

Health care coverage is not the same as access to health care. Seniors' Medicare cards are of no value if physicians in their community cannot afford to provide them with health care.

Physicians deserve to be fairly compensated for the work they perform. California doctors simply want to be compensated at the correct rate for the practice expenses they face.

This is not too much to ask.

The underpayment problem grows more severe every year, and the longer we wait to address it, the more drastic the solution will need to be. This legislation provides a common sense solution, increasing payment for those facing the most drastic underpayments, while protecting other counties from cuts in the process.

This is an issue of equity. It costs more to provide health care in expensive areas, and physicians serving our seniors must be fairly compensated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1236

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "GPCI Justice Act of 2009".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) From 1966 through 1991, the Medicare program paid physicians based on what they charged for services. The Omnibus Reconciliation Act of 1989 required the establishment of a national Medicare physician fee schedule, which was implemented in 1992, replacing the charge-based system.

(2) The Medicare physician fee schedule currently includes more than 7000 services together with their corresponding payment rates. In addition, each service on the fee schedule has three relative value units (RVUs) that correspond to the three physician payment components of physician work, practice expense, and malpractice expense.

(3)(A) Each geographically adjusted RVU measures the relative costliness of providing a particular service in a particular location referred to as a locality. Physician payment localities are primarily consolidations of the carrier-defined localities that were established in 1966.

(B) When physician payment localities were redesignated in 1997, the Administrator of the Centers for Medicare & Medicaid Services acknowledged that the new payment locality configuration had not been established on a consistent geographic basis. Some were based on zip codes or Metropolitan Statistical Areas (MSAs) while others were based on political boundaries, such as cities, counties, or States.

(C) The Medicare program has not revised the geographic boundaries of the physician payment localities since the 1997 revision.

(4) Medicare's geographic adjustment for a particular physician payment locality is determined using three GPCIs (Geographic Practice Cost Indices) that also correspond to the three Medicare physician payment components of physician work, practice expense, and malpractice expense.

(5) The major data source used in calculating the GPCIs is the decennial census which provides new data only once every 10 years.

(6) This system of geographic payment designation has resulted in more than half of the current physician payment localities having counties within them with a large payment difference of 5 percent or more. A disproportionate number of these underpaid counties are located in California, Georgia, Minnesota, Ohio, and Virginia.

(7) For purposes of payment under the Medicare program, hospitals are organized and reimbursed for geographic costs according to MSAs.

(8) Studies by the Medicare Payment Advisory Commission (MedPAC) in 2007, the Government Accountability Office (GAO) in 2007, the Urban Institute in 2008, and Acumen LLC in 2008 have all documented this physician GPCI payment discrepancy—specifically that more than half of the current physician payment localities had counties within them with a large payment difference (that is, a payment difference of 5 percent or more) between GAO's measure of physicians' costs and Medicare's geographic adjustment for an area. All these objective studies have recommended changes to the locality system to correct the payment discrepancies.

(9) A common recommendation among the GPCI payment discrepancy studies referred to in paragraph (8) is to eliminate the county-based locality and replace it with one determined by Metropolitan Statistical Area.